

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

SOLLY, Lt., Individual compacity; NUEYER,
unit manager, Individual compacity; KERRI
PAULSON, LIMHP, Individual compacity;
ELEZEBETH, LIMHP, Individual compacity;
SHANNON, PhD, Individual compacity;
CORPERAL MCINTOSH, Officer, Individual
compacity; GREG, kitchen staff, Individual
compacity; and MARTIN, kitchen staff,
Individual compacity;

Defendants.

8:24CV176

MEMORANDUM AND ORDER

Plaintiff included in his Complaint a request to proceed in forma pauperis. [Filing No. 1](#). However, his request does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor”). Plaintiff has the choice of either submitting the \$405.00 filing and administrative fees to the Clerk’s office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).¹ Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

¹ If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court’s \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\)](#); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$55.00 administrative fee assessed to non-IFP plaintiffs. Prisoner plaintiffs are required to pay the full amount of the Court’s \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. [28 U.S.C. § 1915\(b\)](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$405.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **June 20, 2024**: Check for MIFP or payment.

Dated this 21st day of May, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", written over a horizontal line.

Joseph F. Bataillon
Senior United States District Judge